



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 25, 2013

GOV. MSG. NO. 1292

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

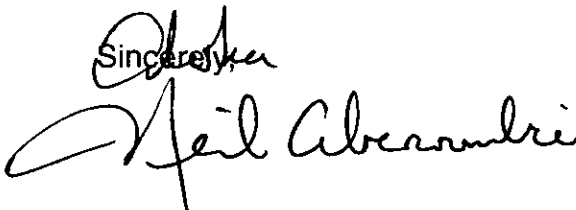
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 25, 2013, the following bill was signed into law:

SB548 SD1 HD2 CD1

RELATING TO TELEMEDICINE
ACT 189 (13)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO TELEMEDICINE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 453-1.3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) [~~Nothing~~] Subject to section 453-2(b), nothing in
4 this section shall preclude any physician acting within the
5 scope of the physician's license to practice from practicing
6 telemedicine as defined in this section."

7 SECTION 2. Section 453-2, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) Nothing herein shall:

10 (1) Apply to so-called Christian Scientists; provided that
11 the Christian Scientists practice the religious tenets
12 of their church without pretending a knowledge of
13 medicine or surgery;

14 (2) Prohibit service in the case of emergency or the
15 domestic administration of family remedies;

16 (3) Apply to any commissioned medical officer in the
17 United States armed forces or public health service
18 engaged in the discharge of one's official duty, [~~and~~]



1 including a commissioned medical officer employed by
2 the United States Department of Defense, while
3 providing direct telemedicine support or services to
4 neighbor island beneficiaries within a Hawaii national
5 guard armory on the island of Kauai, Hawaii, Molokai,
6 or Maui; provided that the commissioned medical
7 officer employed by the United States Department of
8 Defense is credentialed by Tripler Army Medical
9 Center;

10 (4) Apply to any practitioner of medicine and surgery from
11 another state when in actual consultation, including
12 in-person, mail, electronic, telephonic, fiber-optic,
13 or other telemedicine consultation with a licensed
14 physician or osteopathic physician of this State, if
15 the physician or osteopathic physician from another
16 state at the time of consultation is licensed to
17 practice in the state in which the physician or
18 osteopathic physician resides; provided that:

19 (A) The physician or osteopathic physician from
20 another state shall not open an office, or
21 appoint a place to meet patients in this State,
22 or receive calls within the limits of the State



1 for the provision of care for a patient who is
2 located in this State;

3 (B) The licensed physician or osteopathic physician
4 of this State retains control and remains
5 responsible for the provision of care for the
6 patient who is located in this State; and

7 (C) The laws and rules relating to contagious
8 diseases are not violated;

9 [~~4~~] (5) Prohibit services rendered by any person
10 certified under part II of this chapter to provide
11 emergency medical services, or any physician
12 assistant, when the services are rendered under the
13 direction and control of a physician or osteopathic
14 physician licensed in this State except for final
15 refraction resulting in a prescription for spectacles,
16 contact lenses, or visual training as performed by an
17 oculist or optometrist duly licensed by the State.
18 The direction and control shall not be construed in
19 every case to require the personal presence of the
20 supervising and controlling physician or osteopathic
21 physician. Any physician or osteopathic physician who
22 employs or directs a person certified under part II of



1 this chapter to provide emergency medical services, or
2 a physician assistant, shall retain full professional
3 and personal responsibility for any act that
4 constitutes the practice of medicine when performed by
5 the certified person or physician assistant;

6 ~~[(5)]~~ (6) Prohibit automated external defibrillation by:

- 7 (A) Any first responder personnel certified by the
- 8 department of health to provide automated
- 9 external defibrillation when it is rendered under
- 10 the medical oversight of a physician or
- 11 osteopathic physician licensed in this State; or
- 12 (B) Any person acting in accordance with section 663-
- 13 1.5(e); or

14 ~~[(6)]~~ (7) Prohibit a radiologist duly licensed to practice
15 medicine and provide radiology services in another
16 state from using telemedicine while located in this
17 State to provide radiology services to a patient who
18 is located in the state in which the radiologist is
19 licensed. For the purposes of this paragraph:

20 "Radiologist" means a doctor of medicine or a
21 doctor of osteopathy certified in radiology by the



1 American Board of Radiology or the American Board of
2 Osteopathy.

3 "Telemedicine" means the use of
4 telecommunications services, as that term is defined
5 in section 269-1, including real-time video
6 conferencing-based communication, secure interactive
7 and non-interactive web-based communication, and
8 secure asynchronous information exchange, to transmit
9 patient medical information, such as diagnostic-
10 quality digital images and laboratory results for
11 medical interpretation and diagnosis, and deliver
12 health care services and information to parties
13 separated by distance."

14 SECTION 3. Section 465-3, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) This chapter shall not apply to:

- 17 (1) Any person teaching, lecturing, consulting, or
18 engaging in research in psychology insofar as the
19 activities are performed as part of or are dependent
20 upon employment in a college or university; provided
21 that the person shall not engage in the practice of



- 1 psychology outside the responsibilities of the
2 person's employment;
- 3 (2) Any person who performs any, or any combination of the
4 professional services defined as the practice of
5 psychology under the direction of a licensed
6 psychologist in accordance with rules adopted by the
7 board; provided that the person may use the term
8 "psychological assistant", but shall not identify the
9 person's self as a psychologist or imply that the
10 person is licensed to practice psychology;
- 11 (3) Any person employed by a local, state, or federal
12 government agency in a school psychologist or
13 psychological examiner position, or a position that
14 does not involve diagnostic or treatment services, but
15 only at those times when that person is carrying out
16 the functions of such government employment;
- 17 (4) Any person who is a student of psychology, a
18 psychological intern, or a resident in psychology
19 preparing for the profession of psychology under
20 supervision in a training institution or facility and
21 who is designated by a title as "psychology trainee",
22 "psychology student", "psychology intern", or



1 "psychology resident", that indicates the person's
2 training status; provided that the person shall not
3 identify the person's self as a psychologist or imply
4 that the person is licensed to practice psychology;

5 (5) Any person who is a member of another profession
6 licensed under the laws of this jurisdiction to render
7 or advertise services, including psychotherapy, within
8 the scope of practice as defined in the statutes or
9 rules regulating the person's professional practice;
10 provided that, notwithstanding section 465-1, the
11 person does not represent the person's self to be a
12 psychologist or does not represent that the person is
13 licensed to practice psychology;

14 (6) Any person who is a member of a mental health
15 profession not requiring licensure; provided that the
16 person functions only within the person's professional
17 capacities; and provided further that the person does
18 not represent the person to be a psychologist, or the
19 person's services as psychological; [~~ex~~]

20 (7) Any person who is a duly recognized member of the
21 clergy; provided that the person functions only within
22 the person's capacities as a member of the clergy; and



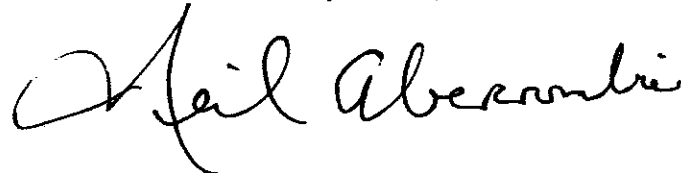
1 provided further that the person does not represent
2 the person to be a psychologist, or the person's
3 services as psychological[-]; or

4 (8) Any psychologist employed by the United States
5 Department of Defense, while engaged in the discharge
6 of the psychologist's official duty and providing
7 direct telehealth support or services, as defined in
8 section 431:10A-116.3, to neighbor island
9 beneficiaries within a Hawaii national guard armory on
10 the island of Kauai, Hawaii, Molokai, or Maui;
11 provided that the psychologist employed by the United
12 States Department of Defense is credentialed by
13 Tripler Army Medical Center."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

17
APPROVED this 25 day of JUN, 2013



GOVERNOR OF THE STATE OF HAWAII